

Frequently Asked Questions

revised June 2006

Why did you do a Lake Berryessa Visitor Services Plan (VSP)?

Seven concessionaires at Lake Berryessa have contracts with the Federal Government to provide services to visitors. The contracts were first developed in the 1950s and reflect the needs of the public at that time. Reclamation's goal is to bring the recreation services at Lake Berryessa into the 21st Century.

Six of the concessionaires' contracts expire in 2008/2009; Pleasure Cove Marina's interim contract expires in December 2007. In the Record of Decision (ROD), released on June 6, 2006, Reclamation has identified new directions for future commercial services and facilities at Lake Berryessa. In the last 40+ years, population growth has resulted in more competition for public recreation areas, yet due to urban sprawl, fewer such areas exist. Furthermore, more restrictive environmental laws and regulations are impacting the design and construction of recreation facilities. Reclamation needed to address issues at the lake such as potable water, human and solid waste removal, erosion due to channeling runoff, hazardous materials management, public health and safety (as well as the Americans with Disabilities Act), air quality, natural resources management, and endangered species issues.

Since the 1950s, a form of exclusive long-term residential use evolved at the lake. Over the years, approximately 1,500 trailers were placed by their owners on sites assigned by concessionaires. The trailers have since been sold onsite, passed on to heirs, or replaced. Many of the trailer owners have constructed storage areas, docks, retaining walls, and other permanent "improvements." Some of the trailer owners now live at the lake. Reclamation needed to address health and safety codes at the resorts as well as the appropriateness of exclusive use of public lands by private citizens.

What kind of environmental studies were done?

An Environment Impact Statement (EIS) was completed. The Draft EIS was released in October 2003 and the Final EIS was released in November 2005.

Who made the final decision on what happens at Lake Berryessa?

The decision on the best ways to improve the services offered to visitors to the lake was made by Reclamation. Concession owners, long-term permittees, the recreating public, local elected officials, and other interested groups or individuals had several opportunities to comment and provide suggestions. The ROD was signed by the Regional Director, Mid-Pacific Region.

Are you planning to close the resorts?

Concession areas will continue to be located at Markley Cove, Pleasure Cove Marina, Steele Park, Spanish Flat, Lake Berryessa Marina, Rancho Monticello, and Putah Creek; however, all the resorts will be affected in some way. The next term of contracts will be determined by a competitive bid process. Existing concessionaires may be part of the bid mix if they wish to continue operating at Lake Berryessa. If they do wish to remain involved, they will be required to compete and provide a responsive bid to the new operations identified by Reclamation. The concessionaires' contracts expire as follows:

Pleasure Cove Marina, 12/1/07
Rancho Monticello, 6/15/08
Spanish Flat, 7/13/08
Lake Berryessa Marina, 8/13/08
Putah Creek, 8/13/08
Markley Cove, 5/26/09
Steele Park, 5/26/09

What types of legal rights, privileges, and property ownership do concessionaires have?

The concessionaires are contractors to the Government and provide certain types of services to the public at Lake Berryessa. They have no ownership of the land upon which they conduct business; it is simply assigned to them for their use during the term of their contracts. They may not decide to open new

businesses or construct new facilities at Lake Berryessa not identified in their current contracts. They do have certain rights for compensation for facilities they have developed which are designated to remain in any new contract term. They are protected from other businesses establishing competing operations at Lake Berryessa without being granted a concession authorization by Reclamation. They have no preferential right of renewal and must compete with other interested parties following expiration of their contracts.

Will the next term of concession contracts also be for 50 years?

The next term of contracts will be for a shorter time period. The term will reflect the level of necessary investment required by a concessionaire and the associated business risk. A shorter term will also permit more frequent adjustments to the contract(s) to reflect contemporary needs. A reasonable opportunity for a concessionaire to realize a profit is also a strong factor in determining the contract length.

What will happen when the concessionaires' contract expires?

The VSP provides a blueprint for public recreation opportunities at the lake. It addresses where concession operations should be located at the lake and what they will provide in terms of services, facilities, etc. Reclamation is now working to develop a prospectus (formal application documents for those interested in running a concession operation) for new concession contract(s). The new contract(s) will be open for bid to all individuals and/or companies interested in managing a concession area. The new concession areas may look very different and provide different services than the existing ones. When the existing concession contracts expire, any rental agreement the concessionaire had with a permittee will also expire. Permittees who own trailers and other personal property (decks, storage sheds, etc.) will be responsible for removing their personal property in a legal and appropriate manner. Any personal property left after required removal deadlines will be considered abandoned property.

The permittees built up their sites to protect their property values. Why is this being taken away from them?

The property value a permittee has at Lake Berryessa is their personal trailer, deck, shed, etc. and excludes the Federal land upon which this property sits. The permittee still owns their personal property and any value attached to it.

The permittees' site rental agreements indicate they should get a 1-year notice before having to vacate their assigned sites. Could that be changed to a shorter timeframe?

The 1-year timeframe is for normal planned conditions (i.e., determination to use the area for some other purpose). In the case of violations of law, environmental violations, an emergency, or the unanticipated closure of the entire area because of concessionaire failures (Sec. C.6. of the contract between Reclamation and Concessionaire), then the timeframe can be much shorter and the termination of use immediate.

Permittees want to know if they should try to sell their trailers?

Reclamation is unable to advise the permittees on this matter except to say that the current concession contracts expire in 2008/2009, and once they expire, so does their rental agreement. If a permittee decides to sell, they are required to notify a potential buyer that use of the site is on a month-to-month basis. Potential buyers are required to sign a disclosure statement at the Reclamation office.

Who can I contact for information on the VSP?

Reclamation contact persons are:

- \$ Visitor Services Plan – Pete Lucero, 707-966-2111, ext.106, plucero@mp.usbr.gov
- \$ Processes for on-site trailer sales/project applications – Patty Blackwell, 707-966-2111, ext.142, pgoodwin@mp.usbr.gov